

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHEN CALFO and JANEZ DEMSAR,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

Case No.: 1:15-cv-04010 (LGS)

V.

ROBERT CASSERA, MICHAEL J. GOLDE,
and JOHN P. MESSINA, SR.,

Defendants.

[PROPOSED] ORDER GRANTING REQUEST FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARDS FOR LEAD PLAINTIFFS

WHEREAS:

A. On _____, 2017 the Court entered a Final Order and Judgment that granted approval of the settlement of this Action as fair, reasonable, and adequate;

B. Lead Counsel for the Settlement Class have applied for an award of attorneys' fees of \$550,000 plus accrued interest, reimbursement of litigation expenses in the amount of \$176,416.77 to be paid from the Settlement Fund, and an award in the amount of \$6,000 to Lead Plaintiffs to be paid from the Settlement Fund (\$3,000 each to Stephen Calfo and Janez Demsar); and

C. The capitalized terms in this Order have the same meanings as they have in the Stipulation and Agreement of Settlement, dated May 31, 2017.

NOW, THEREFORE, based on the submissions of the parties, the arguments of Lead Counsel at the final fairness hearing held on October 24, 2017, and the entire record in this Action, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Lead Plaintiffs' Motion for an Award of Attorney's Fees, Reimbursement of Expenses, and Award to Lead Plaintiffs is granted. Lead Counsel is awarded attorneys' fees in the amount of _____% of the Settlement Fund, or \$_____, and awarded reimbursement of litigation expenses in the amount of \$_____. Lead Plaintiffs are granted an award of \$_____.

2. The Court finds that the amount of attorneys' fees awarded is reasonable when considered as a percentage of the Settlement Fund created for the benefit of the Settlement Class and also reasonable when measured against Lead Counsel and the Rosen Law Firm P.A.'s ("Rosen Law") lodestar of \$1,332,857.75 and the 2,288.11 hours expended by the professionals who

worked on this matter, as set forth in Exhibits 2 and 3 to the Declaration of Jeremy A. Lieberman, dated September 20, 2017 (“Declaration”).

3. The Court finds that the expenses incurred by Lead Counsel and Rosen Law in the amount of \$_____, as set forth in Exhibits 2 and 3 to the Declaration, were appropriately expended to benefit the Settlement Class and are reasonable.

4. The amounts of attorneys’ fees and expenses herein awarded will be paid to Lead Counsel from the Settlement Fund upon entry of this Order.

5. Lead Plaintiffs will be awarded as follows: (i) Stephen Calfo will be awarded \$_____, and (ii) Janez Demsar will be awarded \$_____, as an award and reimbursement for their lost time in connection with their prosecution of this Action.

6. The amounts of the reimbursement for Lead Plaintiffs’ lost time will be paid to Lead Plaintiffs from the Settlement Fund upon entry of this Order.

SO ORDERED this _____ day of _____, ____.

HONORABLE LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE